

Amendments to the Claims:

1. (Currently Amended) An isolated nucleic acid comprising a nucleotide sequence that encodes an amino acid sequence having at least 90% sequence identity to the amino acid nucleotide sequence set forth in SEQ ID NO:2-SEQ ID NO:1, wherein said nucleotide sequence encodes a polypeptide which is pesticidal for at least one pest selected from the group consisting of western corn rootworm, southern corn rootworm, Colorado potato beetle, and boll weevil.

2. (Original) The nucleic acid according to claim 1, wherein the nucleotide sequence is optimized for expression in a plant.

3. (Original) An expression cassette comprising a nucleic acid according to claim 1, wherein said nucleotide sequence is operably linked to a promoter that drives expression in a microorganism or in a plant cell.

Claims 4-8 (Canceled)

9. (Currently Amended) A transformed plant comprising in its genome at least one stably incorporated nucleotide construct comprising a nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of said polypeptide, wherein said polypeptide is pesticidal for at least one pest selected from the group consisting of western corn rootworm, southern corn rootworm, Colorado potato beetle, and boll weevil and wherein said nucleotide sequence encodes an amino acid sequence ~~having~~ has at least 90% sequence identity to the amino acid ~~nucleotide~~ sequence set forth in SEQ ID NO:2-SEQ ID NO:1.

10. (Original) The plant according to claim 9, wherein the plant is a monocot.

11. (Original) The plant according to claim 9, wherein said plant is a dicot.

12. (Original) Transformed seed of the plant according to claim 9.

Claims 13-16 (Canceled)

17. (Currently Amended) A method for impacting an insect pest comprising introducing into a plant or cell thereof at least one nucleotide construct comprising a nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of said polypeptide in plant cells, wherein said polypeptide is pesticidal for at least one pest selected from the group consisting of western corn rootworm, southern corn rootworm, Colorado potato beetle, and boll weevil and wherein said nucleotide sequence encodes an amino acid sequence having ~~has~~ at least 90% sequence identity to the amino acid-nucleotide sequence set forth in SEQ ID NO:2-SEQ ID NO:1, whereby an insect pest feeding on said plant or cell thereof is impacted.

18. (Previously Presented) The method according to claim 17, wherein the plant produces a polypeptide characterized by pesticidal activity against at least one pest selected from the group consisting of western corn rootworm, southern corn rootworm, Colorado potato beetle, and boll weevil.

Claims 19-37 (Canceled)

38. (Currently Amended) The nucleic acid of claim 1, wherein said nucleotide sequence encodes an amino acid sequence having ~~has~~ at least 95% sequence identity to the amino acid-nucleotide sequence set forth in SEQ ID NO:2-SEQ ID NO:1.

39. (Previously Presented) The nucleic acid of claim 1, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

40. (Previously Presented) The nucleic acid of claim 1, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

Claims 41-42 (Canceled)

43. (Currently Amended) The transformed plant of claim 9, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 95% sequence identity to the amino acid-nucleotide sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

44. (Previously Presented) The transformed plant of claim 9, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

45. (Previously Presented) The transformed plant of claim 9, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

46. (Previously Presented) The transformed plant of claim 9, wherein said nucleotide sequence is optimized for expression in a plant.

Claims 47-48 (Canceled)

49. (Currently Amended) The method of claim 17, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 95% sequence identity to the amino acid-nucleotide sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

50. (Previously Presented) The method of claim 17, wherein said nucleotide sequence encodes the amino acid sequence set forth in SEQ ID NO:2.

51. (Previously Presented) The method of claim 17, wherein said nucleotide sequence is set forth in SEQ ID NO:1.

52. (Previously Presented) The method of claim 17, wherein said nucleotide sequence is optimized for expression in a plant.

Claims 53-54 (Canceled)

55. (Currently Amended) The nucleic acid of claim 1, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 93% sequence identity to the amino acid~~nucleotide~~ sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

56. (Currently Amended) The nucleic acid of claim 1, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 94% sequence identity to the amino acid~~nucleotide~~ sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

57. (Previously Presented) The nucleic acid of claim 1, wherein said nucleotide sequence is optimized for expression in a plant.

58. (Currently Amended) The transformed plant of claim 9, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 93% sequence identity to the amino acid~~nucleotide~~ set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

59. (Currently Amended) The transformed plant of claim 9, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 94% sequence identity to the amino acid~~nucleotide~~ set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

60. (Previously Presented) The plant of claim 57, wherein said plant is a dicot.

61. (Previously Presented) The plant of claim 57, wherein said plant is a monocot.

62. (Previously Presented) The plant of claim 57, wherein said monocot is maize.

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63. (Currently Amended) The method of claim 17, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 93% sequence identity to the amino acid sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

64. (Currently Amended) The method of claim 17, wherein said nucleotide sequence encodes an amino acid sequence having~~has~~ at least 94% sequence identity to the amino acid sequence set forth in SEQ ID NO:2~~SEQ ID NO:1~~.

65. (Canceled)